

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CRESTMARK, a division of METABANK,
NATIONAL ASSOCIATION,

Plaintiff,

-against-

EILLIEN LORENA CABRERA
DELANDESTOY and AY-AY TELCO
MANAGEMENT SERVICES, LLC,

Defendants.

Civil Action No.: 22 Civ. 2253 (LGS)

**~~PROPOSED~~ DEFAULT
JUDGMENT**

This Action having been commenced on March 18, 2022 by the filing of the Summons and Complaint; and a copy of the Summons and Complaint having been served on Defendant AY-AY Telco Management Services, LLC (“AY-AY Telco”) on March 25, 2022, by personal service on AY-AY Telco’s registered agent, Eillien Lorena Cabrera DeLandestoy (“Cabrera DeLandestoy”); and service being accepted by Cabrera DeLandestoy on behalf of AY-AY Telco; and Proof of Service having been filed on July 14, 2022, and AY-AY Telco not having answered the Complaint; and the time for answering the Complaint having expired, it is hereby:

ORDERED, ADJUDGED AND DECREED: That Plaintiff Crestmark, a division of

MetaBank, N.A. have judgment against AY-AY Telco in the liquidated amount of \$6,164,777.47.

August 31, 2022

Dated: July _____, 2022
New York, New York

The operative complaint alleges claims of fraud, conversion, monies had and received, violations of the N.Y. Debt. & Cred. Law and civil conspiracy against Defendants AY-AY Telco and Eillien Lorena Cabrera DeLandestoy. The Complaint sufficiently pleads these claims to establish liability as a matter of law. *See City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 137 (2d Cir. 2011) (“[A] district court is required to determine whether the plaintiff's allegations establish the defendant's liability as a matter of law.”). The complaint adequately alleges that Defendant AY-AY Telco withdrew Crestmark’s loan advances to Silver Birch from Teleescrow Account 175306471 and converted those loan advances for its own use and that those withdrawals were not permitted by the agreement entered into by Teleescrow and Crestmark; nor were those withdrawals permitted by the loan documents entered into by Crestmark and Silver Birch.

The Clerk of Court is respectfully directed to enter judgment in favor of Plaintiff in the amount of \$6,164,777.47 and to close the case.


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE